

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS

US DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FILED

FEB 28 2012

Dale B. Adams  
Plaintiff

CHRIS R. JOHNSON, Clerk  
By

Deputy Clerk

vs.

Case No.

12-3028

FBI, Director, Robert Mueller, (FBI)  
Defendant's

**COMPLAINT FOR INJUNCTIVE AND DECLATORY RELIEF**

This action is under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Adams is seeking the expedited processing and release of agency records requested by plaintiff from defendant's the FBI and Director of the FBI, Robert Mueller. Adams seeks these records to provide evidence that Adams was wrongfully and unlawfully placed onto the Patriot Act, and the Bio-terrorism Act, thereby causing three wrongful deaths and jeopardizes more lives. Adams seeks immediate release of these documents to be removed from these acts to escape death by the Detention Authority Provisions in S.1253, of the National Defense Authorization Act for 2012, (§ 1021, 1022 and 1036).

**I. JURISDICTION AND VENUE**

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. §§ 552(a)(4)(B), 28 U.S.C. § 2412 and 552(a)(6)(E)(iii). This court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and other avenues
2. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

**II. PARTIES**

3. Plaintiff is Dale B. Adams of 2313 Anvil Drive, Harrison, AR. 72601, P:(870) 204-6164
4. Defendant's are Director, Robert Mueller, Federal Bureau of Investigation, 170 Marcel Drive, Winchester, VA 22602-4843, Fax: (540) 868-4391/4997

**III. PLAINTIFF'S FOIA REQUESTS AND REQUEST FOR EXPEDITED  
PROCESSING**

5. On the date of November 15, 2011, Adams faxed a FOIA request to the FBI Headquarters requesting any information about him being wrongfully placed onto the Patriot Act watch list because evidence suggests they violated the law to intentionally harm him for expressing his First Amendment rights [Exhibit A]
6. To ensure the FBI complied with the FOIA, a signed Certification of Identity directed the FBI to also send a copy of these documents to Judge Marschewski, [W. D. Ark ] [Exhibit B]
7. On November 16, 2011, I faxed an addendum to the FOIA request seeking more information and requested it be incorporated as one FOIA request but sent another Certification of Identity form moving the FBI to forward these documents to Judge Marschewski [Exhibit C]
8. Adams requested a Fee Waiver and informed the FBI that this request related to information he was intending to make public by expressing my First Amendment rights to free speech, free press and to pursue legal redress
9. Adams requested Expedited Processing to prevent the undue death to my wife, Cherie Adams and so he could get her medical care to prevent blindness
10. Adams requested specific exemptions be noted in their response
11. Although Adams made 54 requests for documents the FBI responded on December 2, 2011, stating that the few requests I made about satellite surveillance harming my wife and I doesn't, *"fall under the purview of FOIPA,"* with no specific exemptions to other requests [Exhibit D]
12. That my wife and I have health problems and we believe the U S military is shooting us with harmful satellite rays with radiation and my wife had a growth on her thyroid gland
13. Medical Journals prove that high stress from family member deaths is also the cause of thyroid problems indicating the defendant's constant refusal to abide by the law caused my wife's pain
14. That Plaintiff has exhausted the applicable administrative remedies for 2 years attempting to get the defendants to abide by the law and to release these records to no avail
15. That three deaths have occurred in our family, we have suffered from cruel and unusual

punishment and had most of our civil and Constitutional rights eradicated due to the Patriot Act and we plead for expedient judicial review to prevent any further undue loss of life

16. That although plaintiff explained that expedited processing was needed to prevent the loss of life to family members, the FBI showed deliberate indifference to the health and welfare of a human being and refused to timely comply with my FOIA request and deny our civil and Constitutional rights, including due process rights, while conspiring to entrap me with a crime violating U S Const. Amend. I. IV. V. VIII. XIV.
17. That we are suffering from severe emotional, physical and financial distress due to this trauma which could have been avoided if the FBI would abide by the law and respect a citizen's Constitutional rights to LIFE, liberty and property as well as privacy under the 4<sup>th</sup> Amendment
18. Plaintiff is entitled to expedited processing of its FOIA requests and judicial review
19. Defendants have wrongfully withheld the requested records from plaintiff

**IV. DEFENDANT'S FAILURE TO RESPOND DENIED PLAINTIFF'S ENTITLEMENT  
TO DUE PROCESS OF LAW AND TO EXPRESS FIRST AMENDMENT RIGHTS**

20. Adams informed the FBI in the November 15, 2011, FOIA Request on the bottom paragraph of page #1, that he needed these records to preserve his Constitutional rights as stated [Exhibit A]  
*"I also request expedited processing because I will lose substantial due process rights if the records are not processed quickly. The information requested will assist me in my lawsuit against Tyson Foods to ensure my Constitutional rights are preserved and defended"*
21. That on page two under the titled FOIA Request #1, it states how we have been contacting the FBI and US DOJ since May of 2009 to abide by the law as stated [Exhibit A]  
*"I began contacting the U S DOJ and FBI both to file charges against Tyson Foods, employee's and numerous federal agencies for violating laws in May of 2009"*
22. Defendants have wrongfully withheld the requested records from plaintiff and appear to be conspiring to entrap him with a crime violating our privacy and the separation of powers

doctrine to preserve the Patriot and Bio-Terrorism Act - even if they cause more death

23. The FBI denied Adams request for expedited processing on December 6, 2011
24. December 20, 2011 Adams sent an appeal to the FBI cited as Appeal #1177799-00 [Exhibit E]
25. The FBI delayed responding to my appeal and then denied the appeal on the date of February 9, 2012, stating that our threat to losing rights to due process of law or the loss of LIFE didn't meet the criterion to provide expedited processing which we fully disagree because we have already lost the lives to three (3) family members due to their illegal conduct [Exhibit F]
26. That even during World War II, the U S government upon notification that several family members have died in war, will authorize the military to rescue any further family members from battle and even issue an honorable discharge to preserve other lives within this family
27. I know this because my Great Grandmother; Mandy Adams wrote the President of the United States after her sons, James Argus Adams [My Grandfather] and Vonceal Adams were killed in WWII within days of each other and I believe the military released my Great Uncle Howard to prevent any further deaths in our family and this court should take due account of these facts
28. Our family has fought and died in every war since the Revolutionary War for the inalienable rights that current public officials wipe away with the stroke of a pen and they have NO RIGHT

#### **V. CAUSES OF ACTION**

##### **1. First Cause of Action:**


29. Violation of the Freedom of Information Act for,
30. Failure to Timely Respond to Requests for Expedited Processing to prevent harm or death
31. Failure to grant expedited processing to prevent loss of life and deprivation of due process
32. Plaintiff repeats and re alleges paragraphs 1-33
33. Defendants' failure to timely respond to plaintiff's requests for expedited processing and denying expedited processing violates the FOIA, 5 U.S.C. § 552

**WHEREFORE, plaintiff prays that this Court:**

- A. order defendants immediately to process the requested records in their entirety;
- B. order defendants, upon completion of such expedited processing, to disclose the requested records in their entirety and make copies available to plaintiff;
- C. provide for expeditious proceedings in this action;
- D. award plaintiff its costs, damages and reasonable legal fees incurred in this action;
- E. determine if the Patriot Act and other pertinent laws are UnConstitutional;
- F. remove Adams from the Patriot and Bio-terrorism Act if he was placed on these lists unlawfully
- G. suppress any evidence unlawfully obtained

Signed on this 21<sup>st</sup> day of February, 2012.


Respectfully submitted,

  
Dale B Adams

**VERIFICATION**

I Dale B Adams, pro se, am the plaintiff in this action, I have written and read the foregoing complaint and all of the pleadings in the above cause matter. The matters stated in the pleadings are true of my own knowledge except those matters stated on information and belief, and as to those matters I believe them to be true. I do solemnly affirm that the statements within are from my own personal knowledge and belief, true and correct in substance and in fact, not meant to deceive, made in good faith and affirmed to provide proper testimony and evidence into the record of this matter, in lawful defense of our civil and Constitutional rights. I declare under penalty of perjury under the laws of the State of Arkansas that the foregoing is true and correct.

Signed on the 21<sup>st</sup> day of February, 2012.

  
Dale B Adams

### **JUDICIAL COGNICANCE**

All officers of the court are hereby placed on notice under authority of the supremacy and equal protection clauses of the United States Constitution and the common law authorities of *Haines v. Kerner*, 404 U.S. 519, *Platsky v. C.I.A.* 953 F.2d. 25, and *Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000) relying on *Willy v. Coastal Corp.*, 503 U.S. 131, 135 (1992), "*United States v. International Business Machines Corp.*, 517 U.S. 843, 856 (1996), quoting *Payne v. Tennessee*, 501 U.S. 808, 842 (1991) (Souter, J., concurring). *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647, *American Red Cross v. Community Blood Center of the Ozarks*, 257 F.3d 859 (8th Cir. 07/25/2001).

In re *Haines*: pro se litigants (Adams is a pro se litigant) are held to less stringent pleading standards than BAR registered attorneys. Regardless of the deficiencies in their pleadings, pro se litigants are entitled to the opportunity to submit evidence in support of their claims. In re *Platsky*: court errs if court dismisses the pro se litigant without instruction of how pleadings are deficient and how to repair pleadings. In re *Anastasoff*: litigants' constitutional rights are violated when courts depart from precedent where parties are similarly situated. All litigants have a constitutional right to have their claims adjudicated according the rule of precedent. See *Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000). Statements of counsel, in their briefs or their arguments are not sufficient for a motion to dismiss or for summary judgment, *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647.



Dale B. Adams

2313 Anvil Drive  
Harrison, AR. 72601  
P: (870) 204-6164